

MHAU030005962026

Cri. M. A. No.903/2026



Baban Wahul

Vs.

The State of Maharashtra

ORDER BELOW EXH.1 IN CRI. MISC. APPLICATION NO.903/2026

This is an application filed by the applicant under Section 503 of Bharatiya Nagarik Surksha Sanhita. Through this application the applicant Baban Wahul is praying for defreeze the account of accused and return of Rs.56,727/-.

02. The applicant contented that, on 21-02-2026 he has received message on his mobile number. Thereafter, amount of Rs.56,727/- was invested from his account. However, he came to know that, it an online fraud. Therefore, he has filed a complaint to the cyber crime department. Thereafter, the concerned officer has freezed the disputed account number. The amount of which is transferred is belongs to the applicant. Hence, prayed for the directions to the Cyber police, Aurangabad to defreez the account of accused and return the amount of Rs.56,727/- to the applicant.

03. The investigation officer has filed his say and contended that, total amount of Rs.56,727/- is put on hold in 3 different bank accounts. Hence, prayed for appropriate order subjection condition imposed by this Court.

04. Learned APP has filed his say and contended that to reject the application.

05. Read the application and say. Perused the record. The applicant has filed on record the copy of complaint dt.21-02-2026 Ack. No.31902260040355. From perusal of said complaint prima facie it appears that, the applicant has filed a complaint about internet banking related fraud and financial loss. From perusal of said report and its status, prima facie it appears that, the applicant has filed complaint regarding online

fraud and it appears that, total amount of Rs.56,727/- are put on hold 3 different bank accounts. The investigation officer has filed his say and contended that, the above mentioned total amount of Rs.56,727/- and Rs.56,727/- is freezed by the different bank accounts as per the complaint of applicant. No one appeared and raised any objection to the present application. So also, the Police Officer has no objection to release the freezed amount to the applicant. Therefore prima facie it appears that, the amount which is put on hold by concern bank is belongs to the present applicant. Therefore, it appears that, applicant is the person who is entitled for the interim possession of the said disputed amount.

06. The object of the provisions of disposal of properties is not to retain the property in the custody of police or the Court longer than the period which is necessary. In present matter there would be no purpose served by keeping the said amount in the disputed account without any reasons. Therefore, it would be proper to give the said amount to the applicant in his interim possession with conditions. Hence, I pass the following order.

ORDER

1. Application is allowed.
2. The Cyber police of Aurangabad and the concern officer of MIDC Waluj police station is directed to defreeze in 3 different Bank accounts as per the say of I.O. Re-transfer the above mentioned amount to the bank account of the applicant into his interim possession, on executing indemnity bond (Suprutnama bond) of Rs.56,727/-.
3. Applicant shall furnish the surety of Rs.56,727/- for the said amount.
4. Applicant is directed to re-deposit the said amount into the Bank as and when required for the further inquiry, investigation and trial.
5. Applicant is directed to maintain the minimum balance of Rs. 50,000/- in his account and inform the Court and concerned police officer before deactivating her account from the Bank.

6. Investigating officer shall verify the original documents and prepare detail panchnama before handing over the seized amount to the applicant.
7. Information of the order be given to the concerned police station accordingly.
8. Issue yadi accordingly.

Date : 07.05.2026
Place : Aurangabad

(S. S. Jadhav)
Judicial Magistrate First Class
(Court No.13), Aurangabad.